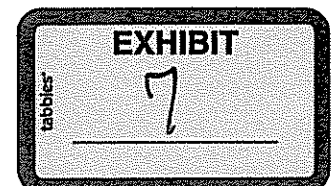


# Deposition of Brad Jones

1 (Pages 1 to 4)

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7 (Pages 25 to 28)

Page 25	Page 27
<p>1 ask, really. 2 MR. BRABEC: Is that a question? 3 MR. LISTON: Yeah. 4 MR. LISTON, CONTINUED: 5 Q. How do you respond to that? 6 MR. BRABEC: I object to the form. 7 MR. LISTON: I'll ask it better at 8 trial. 9 THE WITNESS: I didn't hear a 10 question in that. 11 MR. LISTON, CONTINUED: 12 Q. Why did you want to become a 13 certified fraud examiner? 14 A. Because I had an interest in the 15 subject matter. 16 Q. What gave you an interest in it? 17 A. I don't know. 18 Q. Don't you think that your job sort of 19 involves that, anyway? 20 A. I mean, I've had claims before that 21 have involved fraud. 22 Q. You have? 23 A. I have. 24 Q. Just -- how did you conclude that, 25 that it involved -- those claims involved fraud?</p>	<p>1 Todd Phillips, what was -- what was his fraudulent 2 scheme? 3 A. He would have a piece of property 4 that had a mortgage on it, and he would prepare an 5 authority to cancel or -- you know, satisfaction 6 for that mortgage, and he would forge the bank 7 officer's signature to it and would record it in 8 the land records, make the title appear to be 9 clear, and then go out and seek a new lender to 10 loan money based on his apparently clear title. 11 Q. Both of them involved utilizing the 12 same piece of property multiple times in some sort 13 of transaction that benefitted them, right? 14 A. Both of them involved multiple 15 mortgages on the same piece of property. 16 Q. Okay. When did those instances 17 occur, or arise, to your knowledge? 18 A. I'm not real good with dates, but, 19 you know, I know Mr. -- the fraud involving 20 Mr. Phillips happened first, probably -- may have 21 been discovered in 2006, 2007, sometime in there, 22 maybe late 2005. And then Mr. Threatt's fraud 23 came to light sometime thereafter. 24 Q. Okay. Threatt is not an attorney, is 25 he? Or do you know?</p>
Page 26	Page 28
<p>1 A. Well, the two instances that I can 2 think of, the perpetrator pled guilty. 3 Q. Was that -- were either of them named 4 Evans? 5 A. I'm sorry? 6 Q. Were either of them named Evans? 7 A. No. 8 Q. Okay. Who -- tell me who that was. 9 A. It was one that was James Wynn Threatt 10 And -- 11 Q. Oh, yeah, I know him. Who else? 12 A. Todd Phillips. 13 Q. Were either -- were those related 14 transactions, or were those completely separate 15 incidences? 16 A. Those were completely separate. 17 Q. Threatt was doing what that was 18 fraudulent, to your understanding? 19 A. Mr. Threatt was -- he would sell a 20 house to three different people, and each person 21 would mortgage the house one or two times. 22 Q. He's a guest of the federal 23 government now, isn't he? 24 A. He is. 25 Q. Okay. What about Mr. Phillips,</p>	<p>1 A. I don't know. 2 Q. I think he was -- owned a car 3 dealership? 4 A. I've heard that. 5 Q. What about Phillips, what did he do 6 for a living? 7 A. To my knowledge, it was just a real 8 estate developer. 9 Q. Okay. Who were the attorneys in 10 those instances that were certifying title to 11 Mississippi Valley Title? 12 A. I don't know that anybody certified 13 to us on the -- involving Mr. Threatt. I believe 14 Bill McGehee in Natchez provided a certificate on 15 Mr. Phillips' -- one of his properties. I don't 16 know if that certificate was to us or not. 17 Q. How did -- how did Mississippi Valley 18 Title become involved in the Threatt and the 19 Phillips matters? I mean, what happened to get 20 your company involved? I assume you had to issue 21 a policy. 22 A. Right, policies -- policies were 23 issued. 24 Q. Okay. Did Mississippi Valley Title 25 issue multiple policies on the same parcels of</p>

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3 (Pages 29 to 31)

Page 29	Page 31
1 land or house -- same houses in either Threatt or	1 in the -- as coconspirators, for lack of a better
2 the Phillips matter?	2 word, that you know of?
3 A. I don't remember that being the case.	3 A. I don't know that I've ever seen any
4 Q. Okay. How many policies did	4 facts that suggested any attorney was involved
5 Mississippi Valley have involved in the Threatt	5 Q. I think in -- I think he's the only
6 matter?	6 one to have gone to jail out of whatever
7 A. I don't remember.	7 fraudulent activity he was doing. Is that your
8 Q. Okay. Was Mississippi Valley Title,	8 understanding as well?
9 in your estimation, the victim of Threatt's	9 A. That's the only one -- he's the only
10 fraudulent scheme? Or one of the victims?	10 one I'm aware of.
11 A. We were a victim.	11 Q. Okay. Now, in the Threatt matter,
12 Q. Okay. In what way? Tell me how it	12 here's what I'm trying to find out. Were the
13 impacted your company.	13 policy -- the policies or commitments issued by
14 A. Well, we had policies issued that	14 Valley, or both?
15 didn't correctly reflect the status of title, in	15 A. Well, what do you mean "issued by
16 which we either had to cure or pay the claims	16 Valley"?
17 Q. Okay. Who were the insureds under	17 Q. Okay. Did Valley issue any title
18 those policies? And was there more than one with	18 commitments on any of the Threatt properties that
19 regard to Threatt, more than one policy?	19 was later determined to be part of a fraudulent
20 A. There was more than one. I couldn't	20 scheme by Threatt?
21 tell you who the insureds were.	21 A. Okay. I'm having trouble with the
22 Q. Okay. Were they lenders?	22 "Valley" issue part of your question.
23 A. Yes. Like, national level lenders,	23 Q. Your employer, MVT, "issues" -- I'm
24 like -- it was residential properties	24 putting that word in quotes -- title commitments
25 Q. Right. I've seen some of his houses.	25 on occasion, does it not?
Page 30	Page 32
1 Generally, I think they needed a lot of repair,	1 A. Yes.
2 but they had high appraisals on them. Is that	2 Q. Okay. Your employer "issues" title
3 your recollection?	3 policies on occasion, right?
4 A. I recall there being one property	4 A. Yes, sir.
5 that I saw some pictures of that needed a lot	5 Q. Sometimes your -- that's done through
6 of -- a lot of repairs.	6 your company's approved agents. I put the word
7 Q. Is that the one where the tree was	7 "agent" in quotes. Correct?
8 growing through the center of the house?	8 A. That's correct.
9 A. I did not see that one.	9 Q. Okay. And I know there are certain
10 Q. Okay. How is it that -- in the	10 lawyers running around out there that are your
11 Threatt case, how did it occur that Valley issued	11 company's agents that have the authority to
12 a title policy on one of the Threatt's residential	12 actually issue commitments and policies. Correct?
13 properties where the certification title was	13 A. That's correct.
14 wrong?	14 Q. Okay. In the Threatt matter, did --
15 A. Well, I don't know that there was a	15 were -- what were issued? Were commitments and
16 certificate of title on those. But what	16 policies issued?
17 Mr. Threatt was doing is, he was playing on the	17 A. I don't remember if both were issued
18 lag times between closings and recording of	18 or not.
19 instruments in between the first title search and	19 Q. Okay. Policies were, obviously?
20 closing, and he would play on the lag time and go	20 A. That's correct.
21 to three different attorneys and set up three	21 Q. Okay. Were those policies issued by
22 different transactions, you know, in or around the	22 employees of MVT or outside authorized agents with
23 same time.	23 MVT?
24 Q. You know, I don't want to impugn	24 A. In that case, they were done by
25 anybody, but were any attorneys involved with him	25 issuing agents.

## Deposition of Brad Jones

Page 33	Page 35
<p>1 Q. Okay. Do you know who those people 2 were in the Threatt matter as you sit here right 3 now, without researching it? 4 A. Brent Southern. 5 Q. Okay. Now, were all of them 6 Brent Southern's, or were any other agents 7 involved? Was he the only agent involved? 8 A. He was the only policy-issuing agent 9 from Mississippi Valley Title. 10 Q. Okay. Were other policies issued 11 directly by Mississippi Valley Title in the 12 Threatt matter? 13 A. Not that we're aware of. 14 Q. Okay. Were the policies that 15 Brent Southern issued erroneous in some manner 16 with regard to their statement of title or who 17 owned the properties? 18 A. In some of them, I remember the title 19 was not vested as it was insured to be. 20 Q. Okay. That's what I'm trying to get 21 to. Now, what did Threatt do -- I mean, you 22 probably have told me this. What did Threatt do 23 that caused Southern to issue a policy that said 24 title was vested in someone who actually didn't 25 own the title?</p>	<p>1 time frames and that kind of thing 2 Q. Okay. That's fair. 3 Did your company engage in any 4 inquiry when the Threatt matter arose, or when it 5 came to your company's knowledge, about steps your 6 company could take to maybe prevent similar types 7 of fraud from affecting your company? 8 A. I don't recall doing anything. 9 Q. Were you a certified fraud examiner 10 at the time the Threatt matter arose? 11 A. I don't remember how the timing fell 12 on that. 13 Q. Okay. Have you since concluded that 14 there's some step, some procedure, some system 15 your company might be able to put in place that 16 would be designed to guard against the kind of 17 fraud that was involved in the Threatt matter? Or 18 have you put any thought into it? 19 A. I don't recall doing that. 20 Q. Okay. Let's talk about Phillips a 21 little bit. When did that -- 22 A. Could we take a break before we get 23 to -- 24 MR. LISTON: Let's take a break. 25 THE WITNESS: -- Phillips? I mean,</p>
Page 34	Page 36
<p>1 A. Well, Mr. Threatt had Mr. Southern 2 check title. As I remember, at the time title was 3 checked, it was -- the title, as it was checked, 4 turned out to be, you know, as it was. And then 5 sometime after title was checked, other 6 instruments would get recorded that would make 7 title other than as it was checked. 8 Q. Did anyone other than you work on the 9 Threatt matters, that came through your company -- 10 or other people in the company? 11 A. I feel like there were, but I don't 12 remember who. 13 Q. Did the Threatt matter arise before 14 the company became aware that Charles Evans and 15 Chris Evans also were engaged in a fraudulent 16 scheme? 17 A. We discovered the Threatt claims 18 before we discovered the Evans claims. 19 Q. What was the period of time between 20 the two, to the best of your knowledge? 21 A. I couldn't tell you. I don't 22 remember. 23 Q. Okay. Was it like a year or 24 something like that? Months? Do you know? 25 A. I just don't have a good memory of</p>	<p>1 this looks like a good transition. 2 MR. LISTON: Yes. 3 (OFF THE RECORD) 4 MR. LISTON, CONTINUED: 5 Q. Let's talk about the Phillips matter 6 a little bit. I just want to get the same general 7 understanding. You can talk, if you want, or I 8 can ask you individual questions. Here's what I 9 want to know. I want to know how you understand 10 Mr. Phillips' scheme worked, how it impacted your 11 company, and whether your company issued any -- 12 either issued it directly or through authorized 13 agents, any commitments or policies that had some 14 information on them that ended up being erroneous, 15 such as information about who owned property or 16 who title was vested. Do you want to tell me what 17 you understand about those issues, or do you want 18 me -- 19 A. I'll let you ask the questions. 20 MR. BRABEC: I object to the form. 21 MR. LISTON, CONTINUED: 22 Q. I'm just trying to speed it up. 23 A. Yeah. I'll let you ask the 24 questions. 25 Q. Okay. Tell me what you understand</p>

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1 A. No. That had no effect on anything  
2 with the company.

3 Q. Has anybody from the company, since  
4 you obtained that certification, talked to you  
5 about utilizing your training as a certified fraud  
6 examiner in the course of your work with MVT?

7 A. To some extent, that's come up  
8 recently.

9 Q. Okay. After the Evans matter came to  
10 light?

11 A. That's correct.

12 Q. Okay. Will you tell me what  
13 discussions you've had within the company -- I'm  
14 not talking about with a lawyer representing you  
15 in this litigation -- representing your company.  
16 Okay? I'm talking about with your coworkers, what  
17 discussions you've had with them on that issue,  
18 including who it was you were talking to.

19 A. Mark Higdon has asked me to help  
20 develop a program to mitigate our risk with  
21 approved attorneys.

22 Q. Okay. Now, have you begun that work?

23 A. I have.

24 Q. Okay. Tell me how -- what you've  
25 done in that regard as far as designing that

1 changed is that now, in addition to the  
2 application itself, the company requires the  
3 approved attorney to attach copies of the  
4 title-vesting documents upon which he relies for  
5 the certification made in the application.

6 A. If my memory serves me correctly,  
7 they were required to attach some documents, some  
8 docu- -- some title documents like that.

9 Q. Okay. Has that application process  
10 changed in any other way, to your knowledge, since  
11 the Evans matter?

12 A. Mr. Fortenberry was really the one in  
13 charge of that component, and -- I mean, I know  
14 it's changed and that there are new applications  
15 and that sort of thing, but I don't remember the  
16 details of that.

17 Q. My question is, were the changes in  
18 the application process that we've just talked  
19 about a result of any work you did on those  
20 issues, with regard to this request that you  
21 employ your certified fraud examiner experience  
22 and training on behalf of the company?

23 A. I'm not sure I'm following you.

24 Q. Let me ask it a simpler, better way.  
25 Were the applications changed to something you

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1 program.

2 A. Developed background checks to run on  
3 applicants. Helped develop application -- revise  
4 or develop an application, you know, to become an  
5 approved attorney. We also developed a contract  
6 that we hadn't previously had so that we could --  
7 you know, would have a contract with approved  
8 attorneys.

9 Q. Okay. Were you involved in any of  
10 the changes to the applications that approved  
11 attorneys submit that results in the issuance of  
12 title commitments or title policies?

13 A. I'm sorry, would you repeat that?

14 Q. Yeah.

15 A. I'm sorry.

16 Q. The company typically, as I  
17 understand it, receives an application from an  
18 approved attorney requesting the issuance of  
19 either a commitment or a policy.

20 A. That's correct.

21 Q. Okay. It's my understanding that  
22 since the Evans matter came to light, that  
23 application process has changed somewhat.

24 A. That's correct.

25 Q. And my understanding of how it's

1 devised, or someone else in the company?

2 A. Mr. Fortenberry was primarily  
3 responsible for that.

4 Q. Okay. Did you work on the issue?  
5 Did you work on that?

6 A. I may have reviewed them in the --  
7 you know, as he was developing them, I may have  
8 reviewed them a time or two, but not much work on  
9 that.

10 Q. Did Mr. Fortenberry discuss with you,  
11 in the course of developing the new application or  
12 application process, what his thoughts were as to  
13 how this might help solve some problems?

14 A. I had -- recall some brief discussion  
15 with him, but I don't recall anything about how it  
16 would affect the Evans situation.

17 Q. Well, what do you remember  
18 Mr. Fortenberry saying, if anything, with regard  
19 to how a new application or new application  
20 process would benefit the company?

21 A. I really don't remember much of  
22 anything he said. I mean, I do -- I do remember  
23 that the certificate was going to be addressed  
24 directly to Mississippi Valley Title as opposed to  
25 being addressed to an issuing agent.

## Deposition of Brad Jones

25 (Pages 97 to 100)

Page 97		Page 99	
1	A. No, not that I'm aware of.	1	discussion ever occurred, to your knowledge,
2	Q. It's more of a subjective analysis,	2	within MVT, of auditing the approved attorneys'
3	then, right?	3	escrow accounts from time to time?
4	A. That's correct.	4	A. That -- I mean, I've heard mention
5	Q. Okay. And essentially -- I'm just	5	that we don't audit. I don't know that I've heard
6	trying to boil this down. What you want to see	6	a lot beyond that.
7	are people with clean records, right?	7	Q. Has anyone suggested they should be
8	A. That's correct.	8	audited?
9	Q. Right. And if there's too many	9	MR. BRABEC: You mean anybody
10	negative things that come up from these searches,	10	in-house or besides your client?
11	then some subjective determination is made that,	11	MR. LISTON: In-house.
12	you know, maybe that -- a possibility that that	12	THE WITNESS: Yeah.
13	person is an unsavory character, and we might not	13	MR. LISTON, CONTINUED:
14	need to associate ourselves with him?	14	Q. In-house at MVT.
15	A. I think that's fair.	15	A. I don't know. Maybe -- I mean, I
16	Q. Okay. All right. Let me ask you	16	don't know if anybody's suggested that they be
17	about a few things, because I'm badly wanting to	17	audited or not. We're not currently auditing
18	go to lunch, which means I want this deposition to	18	Q. Right. Do you know of any reason why
19	end. As I understand it -- well, let me start	19	that could not be done from time to time? "That"
20	here. You've certified -- become certified as a	20	being auditing an approved attorney's escrow
21	fraud examiner, right?	21	account.
22	A. That's correct.	22	A. I mean, that's -- I mean, I don't
23	Q. You participated in measures that MVT	23	know if we have the right to do that or not. You
24	is now putting in place to try to guard on the	24	know, in the past, we haven't had a contract with
25	front end against fraud occurring by qualifying	25	the approved attorneys, and so I don't know if we
Page 98		Page 100	
1	the approved attorney process. Fair?	1	have a right to do that or not.
2	A. I'm not sure I understand that, but.	2	Q. Yeah, but you could put it in some
3	Q. Well, you've instituted these	3	sort of contract, couldn't you? Couldn't you say
4	background checks, revised application contract	4	to an approved attorney, "Look, if you want to
5	with the approved attorney. That's obviously for	5	associate with us as an approved attorney from
6	some purpose, right?	6	time to time, you let us audit your escrow
7	A. Right. I mean, it's to check the	7	account?"
8	applicants out, see if they're worthy to be on the	8	A. I mean, you can put anything you
9	list.	9	wanted to in a contract.
10	Q. Check the character of the people	10	Q. Right. But is any -- that -- is
11	that want to become approved attorneys?	11	there any reason that could not have been done
12	A. That's correct.	12	before the Charles Evans matter arose, that you
13	Q. Okay. Because you figure if people	13	know of?
14	are of good character, they might not defraud us?	14	A. I mean, you know, I don't know, you
15	A. That's correct.	15	know, what the company considered before that
16	Q. Okay. Before these things were put	16	arrised or what they were thinking or, you know,
17	in place, as I understand it from the depositions	17	what constraints would have been there or anything
18	that have already occurred, MVT did not have any	18	like that.
19	system or procedure in place to verify that the	19	Q. Now, I'm not asking you to speak on
20	information being given to it by an approved	20	behalf of the company. I want you to understand
21	attorney with regard to title was, in fact,	21	that. I'm just asking you as an individual, based
22	accurate.	22	on your experience, do you know of any reason why
23	A. I mean, that's outside of my realm of	23	the company could have -- could not have
24	what I do. I don't know.	24	instituted a system whereby escrow accounts of
25	Q. That's fair. That's fair. Has any	25	approved attorneys were audited from time to time

## Deposition of Brad Jones

26 (Pages 101 to 104)

Page 101	Page 103
1 before. let's say, 2006?	1 is a monopoly.
2 A. Well, you know, like I said before,	2 MR. LISTON, CONTINUED:
3 before then, we did not have a contract or any --	3 Q. I mean, if you want to put a system
4 you know, to my knowledge, we didn't have a right	4 in place, you couldn't have done it, right? I
5 to do that.	5 want to know what you have to say about that. Why
6 Q. But you could have if you wanted it,	6 couldn't you?
7 couldn't you? I mean, they don't have a right to	7 A. I mean, I -- I mean, I guess they
8 be an approved attorney, but if they want to be	8 could have done whatever they wanted to do as long
9 one, you can put certain conditions on there,	9 as they had a right to do it.
10 right?	10 Q. Right. Contractually or otherwise?
11 A. I guess they -- I mean, you're -- I	11 A. Right.
12 guess they could do whatever they wanted to do,	12 Q. Okay. Do you know of any reason why
13 you know, as long as they had a right to do it.	13 that could not have been done, presuming you --
14 Q. Okay. What about auditing the files	14 the contractual right was there?
15 of approved attorneys, have you ever heard anyone	15 A. I mean, I don't -- I don't -- I don't
16 at MVT discuss a system or proposed system whereby	16 know what was going on at that time
17 from time to time, an MVT representative would go	17 Q. Okay. Now MVT requires the
18 into an approved attorney's office and select	18 attorneys -- approved attorney to attach copies of
19 files on property transactions which your company	19 vesting documents to its applications, right?
20 had insured and just go through those files, see	20 A. I believe that's correct.
21 what's in there?	21 Q. Okay. Any reason why that could not
22 A. I'm sorry, your question in that is,	22 have been done at least two years before the
23 what have I heard?	23 Charles Evans matter arose, that you know of?
24 Q. Yeah. Has there been any discussion	24 A. I don't -- I don't know
25 of a system that, to your knowledge, within MVT?	25 Q. Okay. Has MVT ever requested the
Page 102	Page 104
1 A. And -- I mean, I don't know. There	1 approved attorney to produce, along with an
2 may have been	2 application, copies of abstracts or title --
3 Q. Okay. Do you recall anything	3 actual title research work that was done to
4 specific, or...	4 support his certification opinion?
5 A. No, I'm saying I don't -- I'm not	5 A. I don't -- I don't know.
6 recalling a discussion of that sort.	6 Q. Do you know of any reason why that
7 Q. Okay. Is there any reason that you	7 could not have been done at least a couple of
8 know of why a system like that could not have been	8 years before the Charles Evans matter arose?
9 put into place at least two years before the	9 A. Any reason that what could not have
10 Charles Evans matters came to light?	10 been done?
11 A. I mean, again, we didn't have a	11 Q. Tell the attorney that in addition to
12 contract with them, so...	12 an application for a commitment or a policy, you
13 Q. Do you know the analogy in my mind?	13 also have to produce the abstract you rely on or
14 NFL. Guys don't have a right to play in the NFL,	14 other actual title research whereby you arrive at
15 do they? And then the NFL drug tests them, right?	15 your opinion as to who owned the title.
16 I mean, they don't have to take a drug test, but	16 MR. BRABEC: Object to the form
17 they do if they want to play in the NFL. That's	17 That's well beyond his expertise. But if he
18 probably a bad analogy compared to the facts of	18 knows, he can answer
19 this case, but what I'm saying is, if MVT wanted	19 MR. LISTON, CONTINUED:
20 to -- the lawyers don't have a right to become an	20 Q. I'm just asking is it done, has it
21 approved attorney. Couldn't MVT say you can be an	21 been discussed, do you know of any reason it
22 approved attorney on the condition that you let us	22 couldn't have been done two years before the Evans
23 audit your escrow account, you let us audit your	23 matter arose?
24 files from time to time, couldn't you?	24 MR. BRABEC: And I object to the
25 MR. BRABEC: Object to the form. NFL.	25 form. It's compound.

## Deposition of Brad Jones

27 Pages 05 to 108

Page 105	Page 107
1 MR. LISTON: No, it's not.	1 A Yes
2 MR. BRABEC: It's three separate	2 Q Okay It purports to be an affidavit
3 questions	3 that you signed under oath, correct?
4 MR. LISTON: I'm trying to get to	4 A That's correct.
5 lunch.	5 Q Do you recall -- and it's got
6 THE WITNESS: I mean, that's really --	6 exhibits attached to it, I think A through G. Is
7 I mean, you know, it's outside of what I do, and I	7 that correct?
8 don't really know.	8 A It appears to be correct
9 MR. LISTON, CONTINUED:	9 Q Okay Now, what was the purpose of
10 Q You just don't have anything	10 filing this?
11 responsive to that question today, right?	11 A I think you'd have to talk to the law
12 A I mean, I -- you're talking about	12 firm about why they needed -- they needed to file
13 something that's outside of what I work on, and	13 this, and they asked me to --
14 I	14 MR. BRABEC: Don't --
15 Q Okay That's fair. That's fair.	15 THE WITNESS: -- you know, asked me
16 Now, are you aware with this policy --	16 to --
17 I've seen it in writing in some of the MVT stuff --	17 MR. BRABEC: Don't talk about --
18 that an approved attorney is not supposed to have	18 THE WITNESS: Okay
19 an interest in the transaction on which the	19 MR. BRABEC: -- what -- communications
20 approved attorney is certifying title?	20 between the lawyers
21 A There may be something to that. I	21 MR. LISTON, CONTINUED:
22 don't -- I don't know what you're -- you know,	22 Q Yeah, I don't want to know about your
23 what you're speaking of, but there may be	23 communications with --
24 something to that effect.	24 A Okay.
25 Q Okay. Have you ever heard that	25 Q Well, here's my -- here's why I asked
Page 106	Page 108
1 within MVI?	1 the purpose. You see at the top, it's got some
2 A I may have	2 coded information that I'll represent to you is
3 Q Okay Is there any rule that you've	3 the kind of information you see on PACER
4 ever heard within MVI or any policy -- I don't	4 documents. You see?
5 want to get wedded to the rule thing -- that we	5 A That's correct.
6 don't need to issue policies when a family member	6 Q Okay. And when I looked it up on
7 of the approved attorney has an interest in that	7 PACER, I didn't see any motion that this was --
8 transaction, and the approved attorney is	8 this affidavit was connected to. Usually when you
9 certifying the title?	9 see an affidavit filed, you see it in support of
10 A I mean, I don't -- I don't -- I can't	10 some motion. Do you know what it was connected
11 recall those discussions, if there were any	11 to? Was it connected to some motion?
12 Q Okay. We don't have the exhibits	12 A I don't know.
13 with us that we had at some of those prior depositions.	13 Q Okay You just know you were asked
14 This is a copy of that affidavit. I think we made	14 to execute it?
15 it Exhibit 2	15 A That's correct.
16 A Could we --	16 Q All right Did you prepare it, or
17 Q You want to take a break?	17 did someone prepare it for you?
18 A Yeah.	18 A I think it -- I may have had a role
19 (OFF THE RECORD)	19 in preparing it, but I think it may have been
20 MR. LISTON: Let's make this Exhibit	20 prepared, to some extent, by someone else, too
21 I to his deposition	21 Q Okay I'm sure it was based on some
22 (EXHIBIT NO. 1 WAS MARKED FOR THE RECORD.)	22 information you gave the person that prepared it
23 MR. LISTON, CONTINUED:	23 Fair?
24 Q All right Do you recognize this	24 A Based on some documents.
25 document?	25 Q Okay. Did you review and read this



## Deposition of Brad Jones

28 (Pages 109 to 111)

Page 109	Page 111
1 affidavit before you signed it?	1 A. That's correct
2 A. I did.	2 Q. Okay. And this will skip a bunch of
3 Q. Okay. Did you review the exhibits	3 questions, too. If you need to read the
4 attached to it before you signed the affidavit?	4 affidavit, fine. Does this affidavit make out
5 A. I reviewed them at some point.	5 what you understood to be the details, the
6 Q. Okay. And you signed this under	6 methods, the modus operandi of the fraudulent
7 oath, correct?	7 scheme in which the Evans brothers were engaged?
8 A. That's correct	8 A. The affidavit is intended to reflect
9 Q. Now, on the first paragraph of it, it	9 the scheme that they were involved with. And it
10 says number 1. Do you see that?	10 didn't -- it doesn't detail everything, but it
11 A. Yes.	11 gives some examples
12 Q. It says you're making this affidavit	12 Q. I got you. That's a fair answer
13 on your own personal knowledge.	13 Look at Paragraph No. 8, please, sir. It says,
14 A. That's correct.	14 "Mississippi Valley Title relied on the title
15 Q. Is that, in fact, true?	15 certificates provided by Charles H. Evans, Jr., to
16 A. That's correct.	16 issue over 100 title insurance policies to various
17 Q. You do have personal knowledge of the	17 lenders." Fair?
18 matters alleged in this affidavit?	18 A. Okay.
19 A. Well, from my investigation of what	19 Q. Okay. Did I read it correctly?
20 is going on, yes, sir.	20 A. I didn't follow you word for word,
21 Q. Okay. That's fair. You investigated	21 but I think so.
22 these things, right?	22 Q. All right. It says what it says. We
23 A. Right. Or I had been investigating.	23 can agree to that?
24 Q. And this affidavit is consistent with	24 A. Yeah.
25 what you determined in your investigation?	25 Q. Now, what's the date range? Do you
Page 110	Page 112
1 A. That's correct.	1 know a date range on those 100 title insurance
2 Q. All right. Now, there's several	2 policies? I know they ended sometime around
3 parts of it, and I'm going to try to ask a global	3 September 1, 2009. What's the earliest date, that
4 question, just skip over going through things in	4 you know of, that one of these 100 title insurance
5 detail. There's several parts of this affidavit	5 policies came into being?
6 -- and do you want to -- do you want to read	6 A. I don't recall specifically, but I'm
7 through this? Or have you before today?	7 thinking maybe a four to six-year timeframe
8 A. I haven't read it in some -- quite	8 Q. If that's your best answer, I'll live
9 some time, probably since we did it.	9 with it. If there's something in the document you
10 Q. Okay. If you need to read it to	10 want to reference, take your time
11 answer this question, that's fine, you can do it.	11 A. You know, that's the best answer I
12 A. Okay.	12 can come up with, but, of course, I stand to be
13 Q. There's several parts of this	13 corrected on that.
14 affidavit that allege that Jon Christopher Evans	14 Q. Okay. Take a look at Paragraph No. 10,
15 and his brother, Charles H. Evans, were involved	15 please, sir.
16 in a fraudulent scheme as described in this	16 A. Okay.
17 affidavit. Okay?	17 Q. Paragraph No. 10 says, "Each of
18 A. Okay.	18 the business entities obtaining loans based on
19 Q. You would agree with that?	19 these title insurance policies and to whom loan
20 A. Probably so.	20 proceeds were disbursed was on and/or controlled
21 Q. Okay. And is it fair to say, then,	21 by Jon Christopher Evans and/or Charles H. Evans,
22 it's, in fact, your opinion and was your written	22 Jr." And I'm going to stop there, because that's
23 testimony, for lack of a better word, in this	23 all I want to ask you about. All right?
24 affidavit that the Evans brothers were, in fact,	24 A. Okay.
25 engaged in a fraudulent scheme?	25 Q. Now, do you have information that